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09/612,067	07/07/2000	Joel Naumann	CISCO-2390	6900
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Timothy A. Brisson Sierra Patent Group, Ltd. P. O. Box 6149 Stateline, NV 89449			KADING, JOSHUA A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,067

Applicant(s)

NAUMANN, JOEL

Examiner

Joshua Kading

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

The amendment to the claims filed on 30 August 2004 does not comply with the requirements of 37 CFR 1.121(c) because the canceled claims status is not a correct label and the claims contain the text of the canceled claim. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing*. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required*. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required*. The text of all pending claims not being currently amended shall be presented in the claim listing in clean

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version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, 12-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (AAPA) in view of Bontemps et al. (U.S. Patent 5,923,663).

In regards to claim 1, AAPA discloses "a communication system having a router, said router having a PCI-compliant front card, said front card begin configured to accept a LAN or WAN compliant back card, a method for detecting the absence of a Phy Layer

device on the back card and communicating said absence to the front card, said method comprising:

receiving, by...the front card, a sensing signal from the back card (Specification, page 3, lines 2-14)..."

5 However, AAPA fails to teach "...a switching input of a tri-state buffer..." and "if said sensing signal is a logical low, then coupling a IDSEL signal corresponding to a particular channel of said back card to said front card; and if said sensing signal is not low, then decoupling said IDSEL signal from said front card and providing a logical low signal in the place of said IDSEL line."

10 Bontemps however, discloses "...a switching input of a tri-state buffer (figure 2, element 222 and figure 4 where element 222 is the function equivalent of the tri-state buffer by allowing a select signal to be asserted when a device is detected as can be read in col. 11, lines 25-38)..." and "if said sensing signal is a logical low, then coupling a IDSEL signal corresponding to a particular channel of said back card to said front
15 card; and if said sensing signal is not low, then decoupling said IDSEL signal from said front card and providing a logical low signal in the place of said IDSEL line (col. 11, lines 25-38; it is noted that although Bontemps does not disclose the sensing signal to be low when the select signal is coupled, it is a matter of design choice how the sensing signal is interpreted because there are only two states and if one state, such as low, affects
20 the response of coupling, then the other state, in this case high, will result in the decoupling or opposite response; it is also noted that although the "toggle state" of

Bontemps is not consistently providing a "logical low" in response to a given state of the sensing line, it is providing the same effect of decoupling the select line)."

It would have been obvious to one with ordinary skill in the art at the time of invention to include the "tri-state buffer" and the "coupling/decoupling of the IDSEL line" with the front and back cards of AAPA for the purpose of allowing detection of devices to a port. The motivation being quicker establishment of communication links through detected devices by eliminating a "trial and error" approach to appropriately connecting devices.

In regard to claim 3, AAPA and Bontemps disclose "the method of claim 1". However, AAPA lacks "said tri-state buffer further has an input and an output, said input and output being serially disposed on a IDSEL line corresponding to a particular channel." Bontemps however, further discloses "said tri-state buffer further has an input and an output, said input and output being serially disposed on a IDSEL line corresponding to a particular channel (figure 2, element 22 and figure 4, where the input and outputs of element 222 are serially disposed on a particular channel corresponding to a particular port)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the input and output of the tri-state buffer with the method of claim 1 for the same reasons and motivation as in claim 1.

In regard to claim 4, AAPA and Bontemps disclose "[the method] of claim 1". However, Bontemps lacks "said front card comprises and FE MAC, and said back card

comprises an FE Phy.” AAPA however, further discloses “said front card comprises and FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the FE MAC and FE Phy with the method of claim 1 for the same reasons and
5 motivation as in claim 1.

In regard to claim 5, AAPA and Bontemps disclose “[the method] of claim 4”. However, Bontemps lacks “said front card and said back card are coupled via an MII bus.” AAPA however, further discloses “said front card and said back card are coupled
10 via an MII bus (figure 2, element 114).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the MII bus with the method of claim 4 for the same reasons and motivation as in claim 4.

In regard to claim 6, AAPA and Bontemps disclose “[the method] of claim 1”.
15 However, AAPA and Bontemps lack “said front card comprises an HDLC control, and said back card comprises a T1/E1 framer [or] line interface.” Although both AAPA and Bontemps lack “the HDLC control” and “T1/E1 framer or line interface”, it would have been obvious to one with ordinary skill in the art to include these with the method of claim 1 as a matter of design choice. As can be seen in applicant’s specification, page
20 15, lines 5-13 these devices are chosen based on the type of network or on requirements for communication and not chosen based on applicant’s invention. Therefore, choosing HDLC control versus ATM SAR (as can be seen in Table 1) is a

matter of design choice. The motivation for choosing the different devices would be based on the type of network and the requirements needed for communication.

In regard to claim 7, AAPA and Bontemps disclose “[the method] of claim 6”.

5 However, AAPA and Bontemps lack “said front card and said back card are coupled via a TDM bus.” Although both AAPA and Bontemps lack “said front card and said back card are coupled via a TDM bus”, it would have been obvious to one with ordinary skill in the art to include this with the method of claim 6 as a matter of design choice. As can be seen in applicant’s specification, page 15, lines 5-13 these coupling means are
10 chosen based on the type of network or on requirements for communication and not chosen based on applicant’s invention. Therefore, choosing a TDM bus versus a MII bus (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different bus would be based on the type of network and the requirements needed for communication.

15

In regard to claim 8, AAPA and Bontemps disclose “[the method] of claim 1”.

However, AAPA and Bontemps lack “said front card comprises an ATM SAR, and said back card comprises an ATM Phy.” Although both AAPA and Bontemps lack “the ATM SAR” and “ATM Phy”, it would have been obvious to one with ordinary skill in the art to
20 include these with the method of claim 1 as a matter of design choice. As can be seen in applicant’s specification, page 15, lines 5-13 these devices are chosen based on the type of network or on requirements for communication and not chosen based on

applicant's invention. Therefore, choosing ATM SAR versus HDLC control (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different devices would be based on the type of network and the requirements needed for communication.

5

In regard to claim 9, AAPA and Bontemps disclose "[the method] of claim 8".

However, AAPA and Bontemps lack "said front card and said back card are coupled via a Utopia bus." Although both AAPA and Bontemps lack "said front card and said back card are coupled via a Utopia bus", it would have been obvious to one with ordinary skill

10 in the art to include this with the method of claim 8 as a matter of design choice. As can be seen in applicant's specification, page 15, lines 5-13 these coupling means are chosen based on the type of network or on requirements for communication and not chosen based on applicant's invention. Therefore, choosing a Utopia bus versus a MII bus (as can be seen in Table 1) is a matter of design choice. The motivation for
15 choosing the different bus would be based on the type of network and the requirements needed for communication.

In regard to claim 10, AAPA discloses "a communication system having a router, said router having a PCI-compliant front card, said front card begin configured to accept
20 a LAN or WAN compliant back card, an apparatus for detecting the absence of a Phy Layer device on the back card and communicating said absence to the front card (background of specification and figures 1 and 2)..."

However, AAPA lacks “means for switching disposed on the front card comprising a tri-state buffer wherein said tri-state buffer has an input, an output, and a switching input wherein said input and output of said tri-state buffer being serially disposed on said front card and said switching input of said tri-state buffer is configured to be coupled to said back card; said means for switching being configured to receive a sensing signal from the back card, said sensing signal having a first and second state; said means for switching being further configured to provide a predetermined signal to said front card responsive to said state of sensing signal.”

Bontemps however, discloses “means for switching disposed on the front card comprising a tri-state buffer wherein said tri-state buffer has an input, an output, and a switching input wherein said input and output of said tri-state buffer being serially disposed on said front card and said switching input of said tri-state buffer is configured to be coupled to said back card; said means for switching being configured to receive a sensing signal from the back card, said sensing signal having a first and second state; said means for switching being further configured to provide a predetermined signal to said front card responsive to said state of sensing signal (figure 2, element 222 and figure 4 where element 222 is the function equivalent of the tri-state buffer by allowing a select signal to be asserted when a device is detected as can be read in col. 11, lines 25-38).”

It would have been obvious to one with ordinary skill in the art at the time of invention to include the “tri-state buffer” with the front and back cards of AAPA for the purpose of allowing detection of devices to a port. The motivation being quicker

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establishment of communication links through detected devices by eliminating a "trial and error" approach to appropriately connecting devices.

In regard to claim 12, AAPA and Bontemps disclose "the apparatus of claim 10".

5 However, Bontemps lacks "said front card comprises and FE MAC, and said back card comprises an FE Phy." AAPA however, further discloses "said front card comprises and FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the FE MAC and FE Phy with the apparatus of claim 10 for the same reasons
10 and motivation as in claim 10.

In regard to claim 13, AAPA and Bontemps disclose "the apparatus of claim 12".

However, Bontemps lacks "said front card and said back card are coupled via an MII bus." AAPA however, further discloses "said front card and said back card are coupled
15 via an MII bus (figure 2, element 114)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the MII bus with the apparatus of claim 12 for the same reasons and motivation as in claim 12.

In regard to claim 14, AAPA and Bontemps disclose "the apparatus of claim 10".

20 However, AAPA and Bontemps lack "said front card comprises an HDLC control, and said back card comprises a T1/E1 framer [or] line interface." Although both AAPA and Bontemps lack "the HDLC control" and "T1/E1 framer or line interface", it would have

been obvious to one with ordinary skill in the art to include these with the apparatus of claim 10 as a matter of design choice. As can be seen in applicant's specification, page 15, lines 5-13 these devices are chosen based on the type of network or on requirements for communication and not chosen based on applicant's invention.

- 5 Therefore, choosing HDLC control versus ATM SAR (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different devices would be based on the type of network and the requirements needed for communication.

In regard to claim 15, AAPA and Bontemps disclose "the apparatus of claim 14".

- 10 However, AAPA and Bontemps lack "said front card and said back card are coupled via a TDM bus." Although both AAPA and Bontemps lack "said front card and said back card are coupled via a TDM bus", it would have been obvious to one with ordinary skill in the art to include this with the apparatus of claim 14 as a matter of design choice. As can be seen in applicant's specification, page 15, lines 5-13 these coupling means are
- 15 chosen based on the type of network or on requirements for communication and not chosen based on applicant's invention. Therefore, choosing a TDM bus versus a MII bus (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different bus would be based on the type of network and the requirements needed for communication.

20

In regard to claim 16, AAPA and Bontemps disclose "the apparatus of claim 10". However, AAPA and Bontemps lack "said front card comprises an ATM SAR, and said

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back card comprises an ATM Phy.” Although both AAPA and Bontemps lack “the ATM SAR” and “ATM Phy”, it would have been obvious to one with ordinary skill in the art to include these with the apparatus of claim 10 as a matter of design choice. As can be seen in applicant’s specification, page 15, lines 5-13 these devices are chosen based on the type of network or on requirements for communication and not chosen based on applicant’s invention. Therefore, choosing ATM SAR versus HDLC control (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different devices would be based on the type of network and the requirements needed for communication.

In regard to claim 17, AAPA and Bontemps disclose “the apparatus of claim 10”. However, AAPA and Bontemps lack “said front card and said back card are coupled via a Utopia bus.” Although both AAPA and Bontemps lack “said front card and said back card are coupled via a Utopia bus”, it would have been obvious to one with ordinary skill in the art to include this with the apparatus of claim 10 as a matter of design choice. As can be seen in applicant’s specification, page 15, lines 5-13 these coupling means are chosen based on the type of network or on requirements for communication and not chosen based on applicant’s invention. Therefore, choosing a Utopia bus versus a MII bus (as can be seen in Table 1) is a matter of design choice. The motivation for choosing the different bus would be based on the type of network and the requirements needed for communication.

In regard to claim 18, AAPA discloses "an apparatus for detecting the absence of a LAN or WAN compliant device, said apparatus comprising: a PCI-compliant front card, said front card being configured to accept a LAN or WAN compliant back card (Background section of the specification and figures 1 and 2)..."

5 However, AAPA lacks "said front card further having a switch, said switch being a tri-state buffer and being serially disposed on a IDSEL connection corresponding to a particular channel on said front card, said switch being further configured to receive a sensing signal corresponding to said channel from said device by switching input of said tri-state buffer; and wherein said apparatus is configured to couple said IDSEL
10 connection to said front card if said sensing signal is in a first state, and provide a low potential to said front card if said sensing signal is in a second state."

Bontemps however, discloses "said front card further having a switch, said switch being a tri-state buffer and being serially disposed on a IDSEL connection corresponding to a particular channel on said front card, said switch being further
15 configured to receive a sensing signal corresponding to said channel from said device by switching input of said tri-state buffer (figure 2, element 222 and figure 4 where element 222 is the function equivalent of the tri-state buffer by allowing a select signal to be asserted when a device is detected as can be read in col. 11, lines 25-38;); and wherein said apparatus is configured to couple said IDSEL connection to said front card
20 if said sensing signal is in a first state, and provide a low potential to said front card if said sensing signal is in a second state (col. 11, lines 25-38; it is noted that although Bontemps does not disclose the sensing signal to be low when the select signal is

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coupled, it is a matter of design choice how the sensing signal is interpreted because there are only two states and if one state, such as low, affects the response of coupling, then the other state, in this case high, will result in the decoupling or opposite response; it is also noted that although the "toggle state" of Bontemps is not consistently providing a "logical low" in response to a given state of the sensing line, it is providing the same effect of decoupling the select line).

It would have been obvious to one with ordinary skill in the art at the time of invention to include the "tri-state buffer" and the "coupling of the IDSEL line" with the front and back cards of AAPA for the purpose of allowing detection of devices to a port.

The motivation being quicker establishment of communication links through detected devices by eliminating a "trial and error" approach to appropriately connecting devices.

In regard to claim 19, AAPA and Bontemps disclose "the apparatus of claim 18". However, Bontemps lacks "said front card comprises and FE MAC, and said back card comprises an FE Phy." AAPA however, further discloses "said front card comprises and FE MAC, and said back card comprises an FE Phy (figure 1, elements 100 and 101)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the FE MAC and FE Phy with the apparatus of claim 18 for the same reasons and motivation as in claim 18.

In regard to claim 20, AAPA and Bontemps disclose "the apparatus of claim 19". However, Bontemps lacks "said front card and said back card are coupled via an MII

bus." AAPA however, further discloses "said front card and said back card are coupled via an MII bus (figure 2, element 114)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the MII bus with the apparatus of claim 19 for the same reasons and motivation as in claim 19.

5

In regard to claim 21, AAPA and Bontemps disclose "the apparatus of claim 20". However, AAPA and Bontemps lack "said front card comprises an HDLC control, and said back card comprises a T1/E1 framer [or] line interface." Although both AAPA and Bontemps lack "the HDLC control" and "T1/E1 framer or line interface", it would have
10 been obvious to one with ordinary skill in the art to include these with the apparatus of claim 20 as a matter of design choice. As can be seen in applicant's specification, page 15, lines 5-13 these devices are chosen based on the type of network or on requirements for communication and not chosen based on applicant's invention. Therefore, choosing HDLC control versus ATM SAR (as can be seen in Table 1) is a
15 matter of design choice. The motivation for choosing the different devices would be based on the type of network and the requirements needed for communication.

In regard to claim 24, AAPA and Bontemps disclose "the apparatus of claim 18". However, AAPA and Bontemps lack "said front card and said back card are coupled via
20 a Utopia bus." Although both AAPA and Bontemps lack "said front card and said back card are coupled via a Utopia bus", it would have been obvious to one with ordinary skill in the art to include this with the apparatus of claim 18 as a matter of design choice. As

can be seen in applicant's specification, page 15, lines 5-13 these coupling means are chosen based on the type of network or on requirements for communication and not chosen based on applicant's invention. Therefore, choosing a Utopia bus versus a MII bus (as can be seen in Table 1) is a matter of design choice. The motivation for

5 choosing the different bus would be based on the type of network and the requirements needed for communication.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Bontemps et al. as applied to claim 18 above, and in further view of Frischknecht et
10 al. (U.S. Patent 5,878,044).

Regarding claim 22, AAPA and Bontemps disclose the apparatus of claim 18. However, AAPA and Bontemps lack what Frischknecht discloses, that is "said front card and said back card are coupled via a TDM bus (col. 4, lines 19-20)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the TDM
15 bus between the back card and front with the apparatus of claim 18 for the purpose of multiplexing many signals into one signal (Frischknecht, col. 1, lines 31-34). The motivation for this being that multiplexing many signals into one signal allows greater throughput than just one signal.

20 Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Bontemps et al. as applied to claim 20 above, and further in view of Nattkemper et al. (U.S. Patent 5,953,318).

Regarding claim 23, AAPA and Bontemps disclose the apparatus of claim 20. However, AAPA and Bontemps lack what Nattkemper discloses, that is "said front card comprises an ATM SAR, and said back card comprises an ATM Phy (figure 2, elements 32 and 31)." It would have been obvious to one with ordinary skill in the art at the time of invention to include the ATM SAR and ATM Phy with the apparatus of claim 20 for the purpose of allowing information to be transmitted and packaged using the ATM standard (Frischknecht, col. 5, lines 33-41). The motivation being that ATM provides a fast means for transmitting data.

10

Response to Arguments

Applicant's arguments filed 30 August 2004 have been fully considered but they are not persuasive.

15

Applicant argues that Bontemps fails to read on the claimed invention because Bontemps is teaching "a method of detection of a device to a port and not the presence of the port on the router, and thus neither are all elements of the claim met nor is there a suggestion to combine or modify the references." The examiner respectfully disagrees.

20

As read in claim 1, lines 3-4 (and all other independent claims), and the specification, page 7, lines 1-4, "detecting the absence of a Phy Layer device" is what applicant's invention pertains to and is the very subject matter in the claims. This very idea of detecting a physical device is exactly what Bontemps discloses in col. 3, lines 66-col. 4, as acknowledged by applicant (see REMARKS, page 8, first and second paragraphs).

Further, applicant asserts that, "there is no mention here or elsewhere in Bontemps of detecting the presence of a port on a router." Applicant's claims and specification make no mention of detecting a port on a router, there is only the detection of a "Phy Layer device." Therefore, AAPA in combination with Bontemps fully reads on
5 applicant's claimed invention and the rejections are proper and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

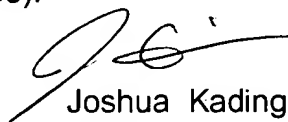
10 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any
15 extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
20 examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

- 5 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
- 10 you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joshua Kading
Examiner
Art Unit 2661

January 6, 2005

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BOB PHUNKULH
PRIMARY EXAMINER